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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,217	09/14/2005	Boris Adam	10191/3723	1011
26646 7590 05/07/2009 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER SUGLO, JANET L				
ART UNIT 2857		PAPER NUMBER		
MAIL DATE 05/07/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/524,217

**Applicant(s)**

ADAM ET AL.

**Examiner**

JANET L. SUGLO

**Art Unit**

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. The action is responsive to the Amendment filed on January 23, 2009. Claims 6-11 are pending. Claims 1-5 have been cancelled. Claims 6 and 7 have been amended. Claim 11 is new.
2. Amendment filed January 23, 2009 is sufficient to overcome the 35 U.S.C. 112, first paragraph, rejection of claim 7 and the prior objections to the drawings.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 6, 7, 9, and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zumpano (US Patent 6,513,829) in view of Dirmeyer et al. (US Patent 5,748,075) (hereinafter Dirmeyer).

With respect to **claim 6**, Zumpano teaches a device for impact sensing (Zumpano: col 10, ln 52-67), comprising:

a processor (Zumpano: col 10, ln 63-65); and

at least two pressure sensors each detecting an impact to a vehicle based on pressure, wherein the at least two pressure sensors connectable to the processor to communicate at least one pressure value each to the processor, the processor being configured to perform an impact sensing based on the at least one pressure value

(Zumpano: Figure 1; col 5, ln 46-55; col 10, ln 52-67);

wherein the processor is connectable to at least one restraining system

(Zumpano: Figures 14 and 29, col 16, ln 35-55)

wherein the processor is connected to at least one vehicle system besides said at least two pressure sensors and besides any restraining systems (Zumpano: Figure 26; col 19, ln 34 – col 20, ln 2) to transmit the at least one pressure value to the at least one additional vehicle system (Zumpano: col 13, ln 63-65).

Zumpano does not expressly teach that the pressure sensors detect an impact based on adiabatic pressure increase. Dirmeyer teaches using pressure sensors which detect adiabatic pressure increases to detect side impact *to a vehicle* (Dirmeyer: abstract, col 4, ln 60-62). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Zumpano to include the pressure sensors based on adiabatic pressure increases of Dirmeyer because these sensors will ensure that only serious accidents will cause the passenger protection system to tripped (Dirmeyer: col 4, ln 1-5).

With respect to **claim 7**, Zumpano further teaches the at least one vehicle system is an injection system (i.e., inflation system injects air into inflatable members) (Zumpano: col 14, ln 13-24).

With respect to **claim 9**, Zumpano further teaches the at least one vehicle system is configured to control its function as a function of the at least one pressure value (Zumpano: col 14, ln 1-12).

With respect to **claim 10**, Zumpano further teaches the at least one pressure

value is a differential pressure value (Zumpano: col 12, ln 59-67).

5. **Claims 8 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Zumpano (US Patent 6,513,829) in view of Dirmeyer et al. (US Patent 5,748,075) (hereinafter Dirmeyer) and further in view of Bohner et al. (US Patent 6,269,903) (hereinafter "Bohner").

With respect to **claim 8**, Zumpano and Dirmeyer teach all limitations of parent claim 6 as shown above, but do not expressly teach plausibility checking. Bohner teaches plausibility checking on pressure sensor values (Bohner: col 8, ln 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Zumpano and Dirmeyer to include the plausibility checking of Bohner because this will ensure proper functioning of the pressure sensors (Bohner: col 7, ln 61-63) and ensure that the system is functioning during emergency situations (Bohner: col 2, ln 5-7).

With respect to **claim 11**, Zumpano teaches the at least one vehicle system is an injection system (i.e., inflation system injects air into inflatable members) (Zumpano: col 14, ln 13-24), the at least one vehicle system is configured to control its function as a function of the at least one pressure value (Zumpano: col 14, ln 1-12), and the at least one pressure value is a differential pressure value (Zumpano: col 12, ln 59-67). Zumpano and Dirmeyer teach all limitations of parent claim 6 as shown above, but do not expressly teach plausibility checking. Bohner teaches plausibility checking on pressure sensor values (Bohner: col 8, ln 1-3). It would have been obvious to one of

ordinary skill in the art at the time of the invention to modify the teachings of Zumpano and Dirmeyer to include the plausibility checking of Bohner because this will ensure proper functioning of the pressure sensors (Bohner: col 7, ln 61-63) and ensure that the system is functioning during emergency situations (Bohner: col 2, ln 5-7).

***Response to Arguments***

6. Applicant's arguments filed January 23, 2009 have been fully considered but they are not persuasive.

Applicant argues that Zumpano does not teach "wherein the processor is connected to at least one vehicle system besides said at least two pressure sensors and besides any restraining systems to transmit the at least one pressure value to the at least one additional vehicle system;" however, Applicant's arguments are not well taken. Zumpano includes multiple embodiments. Figures 26 and 27 of Zumpano illustrate an embodiment wherein the restraining system does not include inflatable members. The inflatable members are connected to the vehicle and processor and *not* to the restraining system. As mentioned before the pressure value is transmitted to the inflation system (Zumpano: col 13, ln 63-67), which means the processor is connected to the inflation system and not the restraining system. These meet the limitations "wherein the processor is connected to at least one vehicle system besides said at least two pressure sensors and besides any restraining systems to transmit the at least one pressure value to the at least one additional vehicle system." Further with the broadening of claim language to state "the processor is connected to at least one vehicle system ... besides any restraining systems" this could be interpreted to mean

that the processor is not connected to a restraining system in the two cars parked next to the car where the processor is installed – as the limitation allows the choice of **ANY** restraining systems. It is clear from the figures of Zumpano that the system is exclusive to a single vehicle.

Applicant argues that Dirmeyer and Bohner do not teach “wherein the processor is connected to at least one vehicle system besides said at least two pressure sensors and besides any restraining systems to transmit the at least one pressure value to the at least one additional vehicle system;” however, Applicant’s arguments are not well taken. Dirmeyer and Bohner are not relied upon to teach the above limitations. Zumpano teaches the above limitations as shown above.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANET L. SUGLO whose telephone number is (571)272-8584. The examiner can normally be reached on M-F from 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JANET L SUGLO/  
Examiner, Art Unit 2857

/Eliseo Ramos-Feliciano/  
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